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**UNITED STATES DISTRICT COURT**  
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**DISTRICT OF NEVADA**  
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7 Gowry Rathnayake,  
8 Plaintiff,  
9 v.  
10 Farmers Insurance Exchange,  
11 Defendant.  
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Case No.: 2-13-cv-765-JAD-GWF

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**Order Granting Defendant's  
Unopposed Motion for Dismissal with  
Prejudice [Doc. 40]**

17 On August 11, 2014, this Court granted Defendant's motion for judgment on the pleadings  
18 and dismissed all of plaintiffs' claims with leave to amend by September 2, 2014. Doc. 38. The  
19 Court cautioned, "should plaintiff not file a motion for leave to amend by the deadline, this action  
will be dismissed with prejudice without further prior notice." *Id.* at 6-7.

20 Plaintiff did not seek to amend. On September 9, 2014, Defendant filed an Unopposed  
21 Motion for Dismissal with Prejudice and Entry of Final Judgment. Doc. 40. Defendant represents  
22 that it will not seek its fees or costs if dismissal with prejudice is granted. *Id.* at 2.

23 Good cause appearing, IT IS HEREBY ORDERED that Defendant's motion (Doc. 40) is  
24 GRANTED. This action is dismissed with prejudice, each side to bear its own fees and costs. The  
25 Clerk of Court is instructed to close this case.

26 DATED: September 17, 2014.

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JENNIFER A. DORSEY  
UNITED STATES DISTRICT JUDGE